

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:)	Chapter 11
)	
CIRCUIT CITY STORES, INC., et al.,)	Case No. 08-35653
)	
Debtors.)	(Jointly Administered)
)	

**MOTION OF SIR BARTON PLACE, LLC FOR
LEAVE TO ATTEND HEARING BY TELEPHONE**

Sir Barton Place, LLC (“Sir Barton”), a creditor and party in interest in the above-captioned bankruptcy proceeding, hereby seeks leave of Court pursuant to the Court’s Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 202 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and Administrative Procedures, to attend the May 28, 2009 hearing on its Administrative Claim Request (Doc. No. 3267) by telephone. In support of the foregoing, Sir Barton represents as follows:

1. On November 10, 2009, Circuit City Stores, Inc. (the “Debtor”) filed a voluntary petition seeking relief under Chapter 11 of Title 11 of the United States Bankruptcy Code.
2. Sir Barton has a claim for November stub rent against the Debtor under a lease of non-residential real property located in the Hamburg Place Shopping Center, Lexington, Kentucky.
3. Debtor’s rejection of such lease was effective March 10, 2009.

4. Debtor has failed to pay the November stub rent as is more fully set forth in Sir Barton's Administrative Claim Request.

5. On November 13, 2008, the Court entered an Order Pursuant to Bankruptcy Code Sections 102 and 105, Bankruptcy Rules 2002 and 9007, and Local Bankruptcy Rules 2002-1 and 9013-1 Establishing Certain Notice, Case Management and Administrative Procedures (the "Order"). Page 5 of the Order states.

(g) Upon request, the Court may allow counsel to listen to a hearing by telephone. If a matter is contested, counsel must attend in person, unless leave of the court is granted on a case by case basis.

6. Good cause exists to grant the instant Motion. Sir Barton's lead counsel John P. Brice and the firm of Wyatt, Tarrant & Combs, LLP, whose offices are in Lexington, Kentucky have been representing Sir Barton with respect to all matters involving Hamburg Place, including the Debtor's lease, and have a unique and complete understanding of the facts and circumstances related to the issues underlying the shopping center and to the lease.

7. There will be no live testimony needed in relation to the Administrative Claim Request. Moreover, this Court has previously ruled that the November stub rent for all non-residential leases of real property is entitled to administrative claim treatment. As such, the arguments of the respective parties should take less than 15 minutes, in total.

8. The lease is Sir Barton's only connection with this matter.

9. Sir Barton will incur substantial costs and fees if it is required to send Mr. Brice to this hearing.

10. Mr. Brice has been admitted Pro Hac Vice (Doc. No. 2454).

11. Based on unique knowledge of the facts in this case by Mr. Brice, the ends of justice would be served by allowing him to appear for argument in his case in controversy by telephone.

12. Accordingly, in an effort to reduce the costs to Sir Barton, it respectfully requests leave of the Court pursuant to the Order so that Mr. Brice may appear and participate by telephone.

WHEREFORE, by reason of the foregoing, Sir Barton respectfully requests that this Court grant this Motion and enter an Order substantially in the form annexed hereto permitting Mr. Brice leave to appear and be heard by telephone at the hearing on the Administrative Claim Request to be held on May 28, 2009 at 10:00 a.m., and any adjourned or continued hearing with respect to such Administrative Claim Request, and granting such other relief as necessary and appropriate.

Respectfully submitted,

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COUNSEL TO SIR BARTON, LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20th day of May, 2009, a copy of the foregoing Motion of Sir Barton Place, LLC for Leave to Attend Hearing by Telephone and was served by postage prepaid U.S. mail and/or electronic delivery to all parties listed below in accordance with the Order entered in this case on November 13, 2008, establishing certain notice, case management and administrative procedures.

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